IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 24TH DECEMBER 2007 / 3RD POUSHA 1929

WP(C).No. 38126 of 2007(L)

PETITIONER:

N.PUSHPANGADAN,
LIJI LALU BHAVAN,
CHEMMARUTHY, VADASSERIKONAM P.O.,
TRIVANDRUM.

BY ADV. SRI.P.M.JOSEPH

RESPONDENTS:
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1. THE MANAGER,
INDIAN OVERSEAS BANK,
NEAR POST OFFICE, VADASSERIKONAM,
THIRUVANANTHAPURAM- 695143.

2. AUTHORISED OFFICER,
INDIAN OVERSEAS BANK,
NEAR POST OFFICE,
VADASSERIKONAM, THIRUVANANTHAPURAM- 695 143.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN,J

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W.P.(C).No.38126 of 2007

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Dated this the 24th day of December, 2007

JUDGMENT

Petitioner is the father of one Smt.Liji who availed of a loan of Rs.5,00,000/- from the first respondent-Bank in the year 2002 for educational purpose. As security for the same 23.07 Ares of land and building thereon was furnished as security. The petitioner was the guarantor for the said loan. The petitioner's daughter committed default in repayment of the installments of loan. The respondents have proceed against the secured asset under the Securitization and Reconstruction of Financial Assets and Enforcement of security Interest Act 2002, for recovery of amount of Rs.5,96,788/-. The petitioner challenges the said proceedings. Petitioner now seeks two months time to pay all the amounts.

2. However, the petitioner himself admits that earlier the petitioner's daughter had filed W.P.(C).No.36708/2007 challenging the very same proceedings, in which an interim order was granted on condition that the petitioner's daughter pays an amount of Rs.2.5 lakhs on or before 28.12.2007. The

learned standing counsel appearing for the respondents submits that, that amount has not been paid so far.

After hearing, I am afraid that in so far as there is another order by this Court in respect of the same transaction, I cannot pass yet another order contrary to that order. The remedy lies in the petitioner or his daughter moving an appropriate petition in that writ petition itself. Without prejudice to such right, this writ petition is disposed of.

S.SIRI JAGAN, JUDGE

dvs